

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

September 2, 1997

UNITED STATES OF AMERICA,	)	
Complainant	)	
	)	8 U.S.C. 1324a Proceeding
vs.	)	
	)	OCAHO Case No. 96A00062
SAN-MAR LABORATORIES, INC.,	)	
Respondent	)	

ORDER OF DISMISSAL-SETTLED

On June 19, 1996, complainant, acting by and through the Immigration and Naturalization Service (INS), commenced this action, which arises under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a, by having filed a Complaint consisting of three (3)-counts with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging 230 paperwork violations.

On August 18, 1997, the parties jointly filed a Motion to Dismiss, together with a fully executed four (4) page Settlement Agreement, in which they advised that they had reached a compromise settlement of all matters in controversy.

Under § 68.14(a) of the OCAHO Rules of Practice and Procedure, where the parties have entered into a proposed settlement agreement and have notified the Administrative Law Judge, a final dismissal of the action is subject to approval of the terms of the settlement agreement by the Administrative Law Judge.

Upon a careful and thorough review of the Settlement Agreement, it is found that the terms set forth therein are fair and reasonable and constitute an appropriate settlement pursuant to § 68.14(a).

Accordingly, it is found that:

1. Respondent has withdrawn its request for hearing on the merits; and
2. That each party shall bear its own costs and attorney's fees; and

3. That respondent will pay a civil money penalty in the total amount of \$35,000 in the manner set forth in the Settlement Agreement; and

4. That it is appropriate to grant the parties' joint Motion to Dismiss based upon the parties' notification made pursuant to § 68.14(a)(2); and

5. That complainant's June 19, 1996 Complaint is hereby ordered to be and is dismissed with prejudice to refiling.

Joseph E. McGuire  
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of September, 1997, I have served copies of the foregoing Order of Dismissal-Settled to the following persons at the addresses shown, via regular mail unless otherwise indicated:

Office of Chief Administrative Hearing Officer  
Skyline Tower Building  
5107 Leesburg Pike, Suite 2519  
Falls Church, Virginia 22041  
(original hand delivered)

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Immigration and Naturalization Service  
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Patricia Gannon, Esquire  
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Gary Goldman, P.C.  
399 Knollwood Road, Suite 213  
White Plains, New York 10603  
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Cathleen Lascari  
Legal Technician to  
Joseph E. McGuire  
Administrative Law Judge  
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Hearing Officer  
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